

B. No. 303, Chapter 245, page 856, of the Acts of the Regular Session of the Forty-third Legislature as amended by H. B. No. 373, Chapter 264, page 651 of the Acts of the Regular Session of the Forty-fourth Legislature to exempt from the provisions thereof associations which are not operated for profit and which pay no commissions to anyone, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLLIE, Chairman.

Committee Room,  
Austin, Texas, April 22, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

H. J. R. No. 23, Proposing an amendment to the Constitution of the State of Texas to be known as Article VIII, Section 20, providing that ad valorem taxes shall be assessed and levied in such way as to permit the payment during the months of October, November and December of the year for which such taxes are assessed, of certain percentage of the amount that such taxes would be if paid after the expiration of the year; providing for an election on the question of adoption or rejection and making an appropriation therefor; providing for the proclamation and publication thereof, and prescribing the form of ballot.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute in lieu thereof do pass and be printed.

MOORE Chairman.

Committee Room,  
Austin, Texas, April 20, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bills Nos. 483, 133, 276, 476, 484, 27, 40, 485, 352, 150, and 204 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,  
Austin, Texas, April 20, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 134 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,  
Austin, Texas, April 20, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 131 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,  
Austin, Texas, April 20, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 196 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,  
Austin, Texas, April 15, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had Senate Bills Nos. 454, 443, 455, 226, 406, 452, 377, 417, 83 and 245 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,  
Austin, Texas, April 20, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 1 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

#### SIXTY-FOURTH DAY.

(Friday, April 23, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Senator Small.

The roll was called, and the following Senators were present:

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Head	Shivers
Hill	Small
Holbrook	Spears
Isbell	Stone
Lemens	Sulak
Moore	Van Zandt
Neal	Westerfeld
Nelson	Winfield

The following Senators were absent and excused:

Davis	Woodruff
Weinert	

A quorum was announced present. The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Aikin.

#### Reports of Standing Committees.

Reports on Senate Bills Nos. 480, and 486 on House Bills Nos. 991, 823, 665, 938, 1008, 785, 647, 1021, 648, 322, 975 and 1125, and on House Concurrent Resolutions Nos. 81, 82, 80 and 84 were submitted by the Chairmen of the several committees to which the bills were referred. (See appendix for reports in full.)

#### Leaves of Absence Granted.

Senator Davis was granted leave of absence for today, on account of illness, on motion of Senator Stone.

Senator Weinert was granted leave of absence for today on account of important business, on motion of Senator Shivers.

#### Address of Senator Holbrook Ordered Printed.

On motion of Senator Redditt and by unanimous consent, it was ordered that the address of Senator Holbrook delivered at the Stephen F. Austin State Teachers College on April 21, 1937, be printed in the Journal.

#### Messages From the Governor.

The Presiding Officer laid before the Senate, and had read, the following messages from the Governor:

Austin, Texas, April 23, 1937.

To the Members of the Forty-fifth Legislature:

I have today disapproved and vetoed, and am returning herewith to the House of Representatives (in which the bill originated) H. B. No. 81, an Act to aid the Pease River Flood Control District by the donation of State ad valorem taxes for a period of two years in four counties.

I have disapproved and vetoed this bill, as in the case of the Harris County bill, because of the policy involved; that is, the continued addition of counties to the list already receiving donations or remissions. My objections to the policy involved have been set out heretofore in messages to the Legislature—one before these donations or remission bills were passed, and the other in my veto of the Harris County remission bill.

Since the House of Representatives voted on yesterday to sustain my veto to the Harris County bill I take it that the policy of the State, so far as this Legislature is concerned, is now determined.

I regret to veto bills with such apparent worthy projects as the two I have vetoed but, in view of the depleted condition of the Treasury and the fact that no revenues have been raised, I have no other alternative.

Respectfully,

JAMES V. ALLRED,  
Governor of Texas.

Austin, Texas, April 23, 1937.

To the Members of the Forty-fifth Legislature:

On yesterday the House failed by a tie vote to engross S. J. R. No. 13 by Senator Brownlee, proposing the submission of a constitutional amendment to be voted on by the people to authorize a fund to advertise Texas.

I heartily endorse the proposal to permit the people of Texas to vote on this. I think submission of any matter of public interest to a vote of the people is fair and just. It can always be defended.

In addition, I am firmly of the opinion that if the people should authorize this advertising fund, and it is judiciously spent over a period of years, it will pay the State big dividends. There is no question but that

the State expenditure for the Texas Centennial has richly repaid us. I am anxious that the State should have a proper exhibit at the World's Fair at New York City in 1939 and the World Exposition in San Francisco, California, during the same time. This advertising fund, it seems to me, would possibly be the only authority the State would have to provide such exhibits.

I earnestly urge the House to reconsider its action and submit this proposed amendment to a vote of the people.

Respectfully submitted,  
JAMES V. ALLRED,  
Governor of Texas.

#### Senate Bill No. 486 on First Reading.

The following (local) bill was introduced, read first time and referred by the Presiding Officer to the Committee on Judicial Districts:

By Senator Small:

S. B. No. 486, A bill to be entitled "An Act amending S. B. No. 527 passed at the Regular Session of the Forty-third Legislature, 1933; providing for changing and prescribing times of holding court in the 84th Judicial District of Texas; validating and continuing all processes and writs, bonds, and recognizances, and making them returnable to the terms of courts in the several counties in said district as herein fixed; validating the summoning of grand and petit jurors under the present law so as to render them available under the present Act; enacting proper provisions relative to any term of court that may be in session when this Act takes effect; repealing all laws in conflict herewith, and declaring an emergency."

#### Senate Resolution No. 73.

Senator Oneal offered the following resolution:

Resolved, That the Senate hold a session at 7:30 o'clock Monday evening, April 26, for the purpose of passing local and non-contested bills, with the agreement that if three Senators present object to consideration of the bill, the author or sponsor of the bill will not insist on a consideration of the same at that Session; provided that each Senator desiring to pass a bill or bills at that Session will give the number of same to the

Calendar Clerk by 10:00 o'clock Saturday, in order that a calendar of the bills to be considered may be in the hands of the Senators by nine o'clock Monday morning; provided further that if a bill not on this calendar is sought to be called up, the objections of two Senators present will be sufficient to prevent further consideration of such bill.

The resolution was read.

Senator Oneal asked unanimous consent to move that the regular order of business be suspended, to permit consideration of the resolution at this time.

The Presiding Officer announced that there was objection to the motion being made at this time.

The resolution was transmitted to the President's table.

#### Senate Concurrent Resolution No. 57.

Senator Moore offered the following resolution:

Whereas, H. B. No. 452 passed the Senate with Committee Amendment No. 1, in which reference was made to Chapter 7, Title 14, Revised Civil Statutes of 1925; and

Whereas, The author of the amendment intended to refer to Chapter 7, Title 14, Penal Code; and

Whereas, Said bill has gone to the House of Representatives where same is pending on motion to concur in the Senate amendment; now, therefore, be it

Resolved By the Senate the House of Representatives concurring, That the Enrolling Clerk of the House of Representatives be instructed to change Senate Committee Amendment No. 1 to read as follows:

"Nothing herein shall be construed to change, alter, amend or repeal Chapter 7, Title 14, Penal Code of the State of Texas."

(Signed) SMALL.

The resolution was read.

On motion of Senator Moore and by unanimous consent, the Senate rule requiring concurrent resolutions to be referred to a committee was suspended and the regular order of business was suspended, to permit consideration of the resolution at this time.

The resolution was adopted.

**Senate Resolution No. 74.**

Senator Moore offered the following resolution:

Whereas, The Legislature of the State of Texas has voted to extend the States' participation in the oil compact between several states; and Whereas, The Senate of Texas believes that care should be taken to insure that Texas receives its just, proper and proportionate share of the production of oil; and

Whereas, Under such compact and the extension thereof the Governor of Texas has the right, if he believes it is for the best interests of the State, to cancel and annul such compact insofar as the State of Texas is concerned; and

Whereas, The Senate believes it is not for the best interest of Texas for other states, which are parties to the compact, to produce more than their fair and proportionate share of oil, and further, that it is not for the best interest of Texas for it to be restrained from producing its fair, just and proportionate share of the oil; and

Whereas, Under the terms of this compact the duty rests upon the Governor of Texas to prevent such, or to cancel and annul such compact insofar as Texas is concerned; now, therefore, be it

Resolved, By the Senate of Texas that it earnestly requests the Governor of Texas to obtain information from time to time as to the production of the various states which are or may be parties to such compact, and that if at any time the State of Texas is not allotted its reasonable and proportionate share of the production of oil that the Governor, under the power and duty granted to and the duty imposed upon him, do cancel and annul such compact insofar as the State of Texas is concerned.

The resolution was read.

Senator Moore asked unanimous consent to move that the regular order of business be suspended, to permit consideration of the resolution at this time.

The Presiding Officer announced that there was objection to the motion being made at this time.

The resolution was transmitted to the President's table.

**Senate Bill No. 487 on First Reading.**

Senator Sulak moved that the rule limiting the time for introduction of certain bills to the first 45 days of the session be suspended, to permit the introduction at this time of a bill, the provisions of which he explained.

The motion prevailed by the following vote:

**Yeas—28.**

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Head	Shivers
Hill	Small
Holbrook	Spears
Isbell	Stone
Lemens	Sulak
Moore	Van Zandt
Neal	Westerfeld
Nelson	Winfield

**Absent—Excused.**

Davis	Woodruff
Weinert	

The following bill then was introduced, read first time and referred to the Committee on State Affairs:

By Senator Sulak:

S. B. No. 487, A bill to be entitled "An Act amending Section Two (2) of H. B. No. Two Hundred Fifty-eight (258), passed by the present, the Forty-fifth (45th) Legislature of the State of Texas, which Act relates to the creation of a Firemen's Relief and Retirement Fund in the State of Texas, and which amendment exempts the premiums and assessments collected by county mutual insurance companies from the tax provided in the bill."

**Senate Joint Resolution No. 5 on Engrossment.**

The Presiding Officer laid before the Senate, as unfinished business, on its passage to engrossment (the resolution having been read second time on April 7, 1937):

S. J. R. No. 5, Proposing an amendment of Section 51b of Article III of the Constitution of the State of Texas so as to require the Legislature to provide for a system of Old

Age Pension and/or Assistance not to exceed Fifteen Dollars (\$15) per person per month to actual bona fide residents of the State of Texas, over the age of sixty-five years, excluding therefrom habitual criminals, habitual drunkards and inmates of a State supported institution; providing for the length of time of actual residence by applicants within the State of Texas; authorizing the Legislature to accept financial assistance from the United States Government for Old Age Pensions and/or Assistance, levying a two per cent occupation tax on persons engaged in the business of making retail sales of goods, wares, merchandise and commodities including the gross receipts of places of amusement; creating a Special Old Age Pension and/or Assistance Fund or funds and providing that same shall never be diverted; providing that said fund shall be prorated to the aged of this State without regard to previous standards of living, income or other restrictions than those specifically set forth; requiring the Legislature to define terms, to set up machinery to administer such law and to make appropriations necessary for the administration of same; providing for the necessary proclamation, publication and election.

With amendment by Senator Sulak and substitute by Senator Small and others for the amendment pending.

Senator Sulak moved to table the resolution subject to call.

Yeas and nays were demanded, and the motion prevailed by the following vote:

## Yeas—18.

Alkin	Oneal
Beck	Rawlings
Cotten	Redditt
Head	Roberts
Hill	Small
Holbrook	Stone
Lemens	Sulak
Moore	Westerfeld
Nelson	Winfield

## Nays—8.

Brownlee	Newton
Burns	Shivers
Collie	Spears
Isbell	Van Zandt

## Absent.

Neal	Pace
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Absent—Excused.

Davis	Woodruff
Weinert	

**Vote on House Bill No. 654  
Reconsidered.**

Senator Shivers called up, for consideration at this time, the motion to reconsider the vote by which the Senate refused to pass H. B. No. 654 on Tuesday, April 20, 1937, which motion was on that day spread on the Journal.

The motion to reconsider prevailed.

**Message From the House.**

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, April 23, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

S. C. R. No. 53, Granting the Christian Restoration Association permission to sue the State of Texas.

H. C. R. No. 33, Relative to the use of certain textbooks in public free schools.

S. B. No. 13, A bill to be entitled "An Act to exempt from taxation the property owned or used exclusively and reasonably necessary in conducting any association engaged in promoting threefold religious, educational and physical development of boys and girls, young men and young women operating under a state or national organization of life character, and all endowment funds of such institutions, and declaring an emergency."

S. B. No. 137, A bill to be entitled "An Act providing for and fixing the salaries of the members of the Judiciary of the State of Texas; amending Section 1 of H. B. No. 280, Chapter 148, Acts of the Regular Session of the Forty-third Legislature, as amended by Section 1 of H. B. No. 417, Chapter 355, Acts of the Regular Session of the Forty-fourth Legislature; repealing all laws in conflict herewith; and declaring an emergency."

(With amendments.)

S. B. No. 485, A bill to be entitled "An Act to amend Section 4, Senate Bill No. 28, Chapter 2, of the Acts of the Regular Session of the Forty-fourth Legislature, so as to extend the time of existence of the Special District Court of Rusk County, Texas; and declaring an emergency."

H. J. R. No. 10, Proposing to amend the Constitution of Texas by adding a new section to be known as Section 30-b of Article XVI of the Constitution providing four (4) year terms of office for all precinct, county and district offices, and providing that incumbents in office at the time of the adoption of this amendment shall hold for four year term instead of a two year term; amending Section 4 of Article III; providing for manner of election and apportionment of Members of the House of Representatives; providing for an election on the question of adoption or rejection of said amendments and making an appropriation therefor.

H. J. R. No. 26, Proposing an amendment to Article III of the Constitution of the State of Texas by adopting a new section to be known as Section 51-c which shall provide that the Legislature shall have the power to provide, under such limitations and restrictions as may be deemed by the Legislature expedient for assistance to the blind and for aid to dependent children and for the payment of same not to exceed fifteen dollars per month each to actual bona fide citizens of Texas, and providing that the requirements for the length of time of actual residence in Texas shall never be less than five years during the nine years immediately preceding the application for such assistance to the blind and continuously for one year immediately preceding such application and providing that the Legislature may impose such requirement as may be found expedient in cases of aid to dependent children; and providing that the Legislature shall have the authority to accept from the Government of the United States financial aid for assistance to the blind and aid to dependent children; providing for an election on the question of adoption or rejection of such amendment and making an appropriation therefor; providing for the proclamation and publication thereof and prescribing the form of ballot.

H. B. No. 24, A bill to be entitled "An Act reciting the existing conditions of the farm, grazing and different lands of the State of Texas; determining the consequences of soil erosion and depletion of the fertility of the soil; reciting appropriate corrective methods; declaring the policy of the Legislature; defining certain words and phrases used in the Act; creating the State Soil Conservation Board; providing for the employment of an executive officer and other agents and employees as may be required; providing for a treasurer of said Board who shall be under bond; providing for the qualifications, duties, and compensation of such employees as are required by said Board; fixing the location of the office of the State Soil Conservation Board; providing the powers and duties of the State Soil Conservation Board; providing an appropriation for the use of said State Soil Conservation Board; creating County Soil Conservation Districts; designating who shall serve as officers of the respective County Soil Conservation Districts; providing for a treasurer of each County Soil Conservation District and fixing the bond therefor; prescribing the powers and duties of the County Soil Conservation Districts and prescribing the procedure therefor; repealing H. B. No. Thirteen (13), Forty-second Legislature, Regular Session; repealing S. B. No. Two Hundred Twenty-seven (227), Forty-fourth Legislature, Regular Session; providing that if any portion of the Act be held unconstitutional the remaining portion shall not thereby be affected; providing, that in the event any provision of this Act be in conflict with the provision of any law already existing that this Act shall be controlling, and declaring an emergency."

H. B. No. 68, A bill to be entitled "An Act amending Title 11, Chapter 6, Articles 647, 648, 649, 650 and 651 of the Penal Code of the State of Texas, Revision of 1925, so as to prohibit the buying and selling of pools or bookmaking on any horse race outside of an enclosure duly licensed by the Racing Commission of Texas; making certain acts prima facie evidence of a violation thereof; prohibiting the use of any property outside of an enclosure duly licensed by the Racing Commission of Texas

for selling pools or bookmaking on horse races and providing what constitutes prima facie evidence of a violation thereof; prohibiting the furnishing of means of communication to persons using property other than an enclosure duly licensed by the Racing Commission of Texas for bookmaking or pool selling and providing what constitutes prima facie evidence of a violation thereof; providing penalties for the violation of the several sections of this Act, and declaring an emergency."

H. B. No. 113, A bill to be entitled "An Act to provide for a local option election in counties having 10,000 or more cattle, sheep and goats rendered for taxation to determine whether or not the qualified voters of such county desires to authorize the levy, assessment and collection of an annual tax on cattle, sheep and goats; providing for the method of levying, assessing and collecting such annual tax; and further providing for the deposit of the monies collected from such annual tax in a special fund to be known as 'The Domestic Livestock Protective Fund'; providing authority and requiring the commissioners' court of such county adopting the provisions of this Act to employ additional law enforcement officers, and fixing the compensation of such officers and the reports to be filed by them, and declaring an emergency."

(With engrossed rider.)

H. B. No. 196, A bill to be entitled "An Act providing for the registration of dogs and for a tax on same; prohibiting unregistered dogs from running at large; prohibiting dogs not muzzled from running at large during the night-time; providing conditions under which certain dogs may be killed; making it unlawful to own and keep a dog not registered; prescribing conditions under which poison may be put out for dogs; prescribing the rate of tax and for use and distribution of such fund; prescribing a penalty for violation of this Act; providing a method by which this Act may be made effective in counties; providing a saving clause in case any part of this Act be held invalid; repealing any and all laws in conflict herewith, and declaring an emergency."

H. B. No. 389, A bill to be entitled "An Act amending Title 14, Chapter

5 of the Revised Criminal Statutes of the State of Texas of 1925, as amended by Acts of the Regular Sessions of the Forty-first and Forty-second Legislatures of the State of Texas by adding the following new Article, numbered as follows: Article 1037b, to regulate the packing and marking of packages and containers; requiring the net quantity of contents of such packages and containers to be plainly and conspicuously marked on the outside of package or container; providing for certain variations in weight; prohibiting deceptive pack; defining certain terms; providing penalties for the enforcement of the Act, and declaring an emergency."

H. B. No. 392, A bill to be entitled "An Act amending Article 1436, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

H. B. No. 529, A bill to be entitled "An Act providing that the governing boards of all institutions of collegiate rank supported in whole or in part by funds of the State of Texas shall exempt all citizens of Texas who are the children of men and women who died in active service during the World War or from disability incurred in the line of duty during said war from the payment of all dues, fees and charges whatsoever for tuition; providing that such citizens shall submit satisfactory evidence of his status, and declaring an emergency."

H. B. No. 637, A bill to be entitled "An Act to make the laws of Texas relating to the National Guard compatible with the Constitution and laws of the United States as required by Section 46 of Article XVI of the Constitution of Texas, by amending the following Articles of the Civil Statutes of Texas as revised in the year 1925: Article 5780 so as to permit maintenance of all the troops allocated to Texas under Federal Law, Article 5839 so as to make nomenclature conform to Federal Law, and Article 5858 so as to make offenses condemned by military law and courts-martial procedure conform to that of Federal Law and regulations; to repeal any and all laws in conflict herewith."

H. B. No. 650, A bill to be entitled "An Act validating and approving all acts of the governing bodies of cities and towns of the State of Texas in

the issuance and sale of bonds; validating such bonds and the tax levies made for the payment of such bonds; providing the provisions hereof shall not apply to any such proceedings or obligations the validity of which has been contested in any pending suit or litigation, and declaring an emergency."

(With engrossed rider.)

H. B. No. 668, A bill to be entitled "An Act appropriating the fund provided for the use and benefit of the Comptroller in the administration and enforcement of the provisions of the Act as provided for in Section 9 of House Bill No. 89, Chapter 353, Acts of the Regular Session of the Forty-fourth Legislature, for the use and benefit of the Comptroller in the administration of said Act from and after May 30, 1937, for the remainder of the fiscal year ending August 31, 1937, and declaring an emergency."

H. B. No. 686, A bill to be entitled "An Act authorizing and directing the Governor to enter into a compact on behalf of the State of Texas with any of the United States legally joining therein; declaring the source of authority to be an Act of the United States Congress; etc., and declaring an emergency."

H. B. No. 711, A bill to be entitled "An Act amending Article 7005, Revised Civil Statutes of Texas, 1925, as amended by Acts, 1927, Fortieth Legislature, page 156, Chapter 105; Acts, 1931, Forty-second Legislature, page 755, Chapter 299; Acts, 1931, Forty-second Legislature, page 852, Chapter 360; Acts, 1933, Forty-third Legislature, page 14, Chapter 10; Acts, 1933, Forty-third Legislature, Special Law, page 59, Chapter 49; Acts, 1933, Forty-third Legislature, page 636, Chapter 213; and an Act amending Article 7008, Section 2, Revised Civil Statutes of Texas, 1925, as amended by Acts, 1931, Forty-second Legislature, First Called Session, page 73, Chapter 33, and declaring an emergency."

H. B. No. 761, A bill to be entitled "An Act to amend Section 1 and 3 of an Act creating the Henderson Independent School District of Concho County, Texas, passed by the Legislature and approved by the Governor, March 24, 1925; providing for the changing of the boundary lines so as to include into the Hen-

derson Independent School District all of that certain tract of land owned by O. L. Boyles; as described in a deed to him and recorded in Book No. 28, page 592, of the Records of Deeds, of Concho County, Texas; and to amend Section 3, of said Act, so as to grant and provide for certain authority and certain duties for the board of trustees and other officers of said district as hereinafter set out in said Act creating said district, and declaring an emergency."

H. B. No. 774, A bill to be entitled "An Act amending certain sections of Senate Bill No. 146, passed by the Regular Session of the Forty-fourth Legislature of the State of Texas, to-wit: Section 5, 8, 11, 12, 15, 16, 17, and 23; providing for the Public Safety Commission to appoint a director and an assistant director, whose salaries shall be fixed by the Legislature; providing for the director with the advice and consent of the Commission to appoint chiefs of the several bureaus; providing for Texas Ranger captains, headquarters sergeant, and privates; providing that the Texas Highway Patrol Division shall consist of the chief patrol officer, captains, sergeants, and privates as may be authorized by the Legislature, and such administrative and clerical help as determined by the Commission; providing for the director with the advice and consent of the Commission, to name the chief of the Bureau of Communications; etc., and creating an emergency."

H. B. No. 793, A bill to be entitled "An Act making it unlawful for any person, firm, company or corporation to move, or cause to be moved any hog or hogs from any premises within twenty-one days following the infection of hog cholera virus without written permission from the Live Stock Sanitary Commission and prescribing a penalty therefor; making it unlawful for any person, firm, company or corporation to transport, draft or drive any hog upon a public thoroughfare, which is then sick of any contagious disease and which is out of any herd of hogs infested with any contagious disease, except with written permission of the Live Stock Sanitary Commissions; etc., providing that this law shall be cumulative or all other laws on the subject."

(With engrossed rider.)



H. B. No. 912, A bill to be entitled "An Act amending Article 7249, Revised Civil Statutes of Texas, 1925, by adding a section providing that when the State and county tax collector is tax collector for an independent school district that his official bond given to the county shall include moneys collected for such independent school district, and that the amount of money to be collected for the independent school district shall be considered in arriving at the amount of bond to be given by said tax collector; and providing that the independent school district shall pay its pro rata share of the premium for said bond, and declaring an emergency."

(With engrossed rider.)

H. B. No. 970, A bill to be entitled "An Act amending Chapter 55, page 110, General Laws, Regular Session, Forty-third Legislature, 1933, being an Act creating the office of county purchasing agent in all counties in this State having a population of more than one hundred thousand (100,000) inhabitants and less than one hundred and fifty thousand (150,000) inhabitants, as shown by the latest United States Census, and containing two (2) cities of fifty thousand (50,000) inhabitants or more, each, as shown by the latest United States Census; providing for the appointment of such agent, prescribing his duties and fixing his compensation; etc., and declaring an emergency."

H. B. No. 993, A bill to be entitled "An Act providing for the trial and commitment to State hospitals for the insanity of persons found upon trial to have been insane at the time of the commission of the act, as well as at the time of the trial of such person; providing for the discharge of persons tried for crime if found to have been insane at the time of the commission of the offense and sane at the time of the trial; providing for the commitment of such persons to a State hospital for the insane if found to be sane at the time of the commission of the offense but insane at the time of the trial of such persons; providing for the trial of persons charged with crime who were sane at the time of the commission of the crime but insane upon the trial of their case, having been committed to a State hospital for the insane and later found

to have regained their sanity, and declaring an emergency."

H. B. No. 1002, A bill to be entitled "An Act to fix salaries and compensation of county commissioners in counties with a population of not less than 77,600 inhabitants nor more than 88,000 inhabitants according to the last Federal Census as same now exists or may hereafter exist, and/or having an assessed valuation of not less than \$40,000,001.00 nor more than \$50,000,000.00, according to the last approved tax rolls, as same now exists or may hereafter exist, and providing for the manner of payment of the salaries and the funds from which said salaries shall be paid; and repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 1034, A bill to be entitled "An Act conferring authority on State Parks Board to acquire for use as a public park a tract of land situated on Padre Island; prescribing the terms and conditions under which such purchase can be made; etc., and declaring an emergency."

H. B. No. 1035, A bill to be entitled "An Act providing that it shall be unlawful to kill quail in Wood County, Texas, except on certain days; providing the number of quail that may be killed in one day; providing penalty for violation of this Act; etc., and declaring an emergency."

H. B. No. 1041, A bill to be entitled "An Act validating all elections and proceedings had in connection with the formation of Andrews Independent School District of Andrews County, Texas; establishing the boundaries of said Andrews Independent School District; providing for the board of trustees; providing that said district shall have and exercise all the rights, powers, privileges and duties conferred and imposed by the General Laws of this State upon the trustees of independent school districts, and declaring an emergency."

H. B. No. 1052, A bill to be entitled "An Act amending Section 13 of Chapter 42, page 49, Acts of the Regular Session of the Forty-third Legislature; amending said Section 13 of Chapter 42, with reference to salary to be paid the judge of the County Court of Jefferson County at Law; repealing all laws, or parts of laws, in conflict herewith, and declaring an emergency."

H. B. No. 1064, A bill to be entitled

"An Act amending Article 1164, Revised Civil Statutes of Texas, 1925, by providing that the board of commissioners in any city or town containing less than 2,000 population according to the last preceding Federal Census may fix the salary of the mayor not to exceed \$600.00 per annum, and declaring an emergency."

H. B. No. 1068, A bill to be entitled "An Act amending Article 2832 of Chapter 15, Title 49, of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 127, Acts, Regular Session, Thirty-ninth Legislature, as amended by Chapter 27, Acts, First Called Session, Forty-second Legislature, and as amended by Chapter 133, Acts, Regular Session, Forty-third Legislature, and declaring an emergency."

H. B. No. 1071, A bill to be entitled "An Act to be designated as Article 2350m, providing for traveling expenses for members of the commissioners' court in certain counties in this State, and declaring an emergency."

H. B. No. 1078, A bill to be entitled "An Act amending Article 3943, Revised Civil Statutes of Texas, 1925, as amended by Chapter 230, Acts of the Fortieth Legislature, Regular Session as amended by Chapter 346, Acts of the Forty-second Legislature, Regular Session, by providing that in counties containing a population of not less than 42,100 nor more than 42,250, according to the last preceding Federal Census, and having a valuation in excess of \$20,000.00, the commissioners' court may allow the county treasurer to retain fees and commissions not exceeding \$3,600.00 per annum, and declaring an emergency."

(With engrossed rider.)

H. B. No. 1080, A bill to be entitled "An Act to amend Chapter 23, Acts of the Fourth Called Session of the Forty-third Legislature; providing that it should be lawful to use one dog for the purpose of hunting, pursuing and taking of deer in Jefferson and Orange Counties, and declaring an emergency."

H. B. No. 1091, A bill to be entitled "An Act validating the creation and organization of independent school districts, and validating the action of any County Board of Trustees with reference to the creation of school districts out of another independent

school district, making this Act applicable to certain counties according to the last preceding Federal Census, and providing that no part of this Act shall affect any litigation now pending, and that only Acts passed by four-fifths majority of the County Board of Trustees shall be valid, and declaring an emergency."

H. B. No. 1096, A bill to be entitled "An Act creating County Wide Equalization School Districts in all counties containing a population of not less than 15,700 nor more than 32,500, according to the last preceding Federal Census and containing a valuation of more than \$75,000,000.00; providing for the vesting of the general management, supervision and control of the public schools and educational interests of such counties in the county board of school trustees; etc., and declaring an emergency."

H. B. No. 1125, A bill to be entitled "An Act making an appropriation of the sum of One Hundred and Fifty Thousand (\$150,000.00) Dollars or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expenses, and to pay the mileage and per diem of members and the per diem of officers and employees of the Regular Session of the Forty-fifth Legislature, and declaring an emergency."

H. B. No. 710, A bill to be entitled "An Act designated as Article 307, Revised Civil Statutes, providing for exemption of bar examination applicants."

H. B. No. 7, A bill to be entitled "An Act creating a State Board of Public Welfare for the State of Texas; providing for the appointment of a State Board of Public Welfare; providing that said Board shall consist of nine (9) members, one (1) of whom shall be a representative of labor; prescribing their terms of office, qualifications and duties, and fixing their compensation; providing that any member offering himself as a candidate for public office shall automatically be disqualified from holding membership on said Board; providing that no member shall serve more than two consecutive terms; providing that the Board, its agents and employees shall constitute the State Department of Public Welfare; prescribing the rights, powers and

duties of said State Department of Public Welfare; providing for the selection and appointment of an Executive Director; prescribing the qualifications, duties and fixing the salary of such Executive Director; providing for reports of the Executive Director and of the Board; providing for the creation of such divisions within the Department as the Board may deem necessary; providing that all the rights, powers and duties of the Division of Child Welfare, the Old Age Assistance Commission, and the Texas Relief Commission shall be transferred and conferred upon the State Board of Public Welfare; providing that the staff, records and physical properties of the Division of Child Welfare, the Old Age Assistance Commission and the Texas Relief Commission shall be transferred to the State Board of Public Welfare; abolishing the Old Age Assistance Commission and the Texas Relief Commission; accepting the provisions and benefits of the Federal Social Security Act of 1935; providing for the establishment of local units of administration in counties or districts; providing that Local Boards of Public Welfare may be established; providing for the custody and disbursement of all funds received by the State Department of Public Welfare; providing for the transfer of moneys in the Texas Old Age Assistance Fund to the credit of the Texas Old Age Assistance Fund created by this Act; providing for the transfer of moneys in the General Fund or any Special Fund credited to the Division of Child Welfare of the Board of Control, and the Texas Relief Commission, to the State Board of Public Welfare and providing for the expenditure thereof; making appropriation for paying additional expenses placed upon the Comptroller of Public Accounts under the provisions of this Act; designating the State Board of Public Welfare as State Agent to cooperate with Federal Government in the administration of the provision of Title I, Title IV, part 3 of Title V, and Title X of the Federal Social Security Act; providing for granting Old Age Assistance, Assistance to Blind Persons, Assistance to Dependent and Neglected Children and General Assistance to needy persons and families;

providing for cooperation with the Children's Bureau of the United States Department of Labor in public services for the protection and care of homeless, dependent and neglected children; providing for the supervision and licensing of all institutions, boarding homes and agencies providing assistance, care or other direct services to dependent, neglected, and delinquent children, the aged, blind, feeble-minded and other dependent persons; providing for the filing of applications for assistance under the provisions of this Act; providing for investigation of applicants for assistance, orders thereon, appeals and hearing therein; prescribing the method of determining the amount of assistance, if any, each applicant is entitled to under this Act; providing for the discontinuance of grants of assistance; providing that grants of assistance under the provisions of this Act shall be inalienable and not subject to civil process; providing for designation of local or district administrative units for administering general relief; designating the State Board as State Agency to cooperate with the Federal Government in the administration and distribution of Federal surplus commodities and other Federal resources; providing that no person shall make any charge or receive any fee for representing any applicant or recipient of assistance under the provisions of this Act; providing that records of applicants or recipients under this Act shall be confidential; providing that the provisions of this Act shall not relieve any person from liability of maintaining and supporting his parent or parents or child or spouse; making provisions for recovery of assistance given any person in excess of amount to which such person is entitled to under the provisions of this Act; providing that all matters and orders pending before or made by any officer or department or unit transferred under this Act to the Public Welfare Department shall be deemed to be continued in like status in such department; providing for the dissolution of County Child Welfare Boards established in conformity with Section 4, Acts of 1931, Forty-second Legislature, page 32v, Chapter 194, fixing penalties for violations of the provisions of this Act; making ap-

appropriation for administrative costs; repealing all laws in conflict; providing a saving clause, and declaring an emergency."

The House has refused to concur in Senate amendments to H. B. No. 397 and requests the Senate for the appointment of a free conference committee to adjust the differences between the two Houses. The following are appointed as conferees on the part of the House:

Messrs. Settle, Davison of Fisher, Harris of Dickens, Roark and Heflin.

The House has concurred in Senate amendments to H. B. No. 99 by a viva voce vote.

The House has concurred in Senate amendments to H. B. No. 1007 by a viva voce vote.

The House has refused to pass not withstanding the Governor's veto, by a vote of 65 yeas and 72 nays, the following bill:

S. B. No. 114, A bill to be entitled "An Act creating the Harris County Flood Control District, declaring it to be a governmental agency for reclamation and flood control in Harris County, defining its powers, authorizing it to acquire and dispose of property, to sue and be sued, to adopt a seal, to appoint a general manager and other officers, agents and employees, and counsel, to fix compensation and to prescribe their duties, providing for surveys, authorizing the devising of plans and the construction of works for flood control and reclamation, to prevent the deposit of silt in navigable streams, authorizing the removal of obstructions, permitting cooperation and contracting with the United States of America and its agencies and the acceptance of grants, loans and advancements, the cooperation with Harris County and adjacent political subdivisions; creating a board of directors, providing for their appointment, the term of office and qualifications, including an oath of office and bond, fixing the compensation of the directors, providing for a chairman, quorum; providing for a hearing on flood control projects and the desirability of absorbing the present drainage districts in the county and their outstanding indebtedness as a part of the general flood control plan of the district; authorizing an election, providing for the call thereof, the qualification of vot-

ers, notice to be given, the return of the election and the declaration of the result of the commissioners' court of the county; the fixing of a tax for the district, providing that the collector and assessor of taxes in the county shall be assessor and collector for the district; naming the county treasurer as treasurer for the district; providing for the handling of the district's funds, his bond, compensation; authorizing the appointment of a depository for the district fund; appointing an auditor, fixing his powers and compensation; empowering the district to pay the premiums on official bonds; providing for the issuance of improvement bonds for the district, fixing the amount, rate of interest, the term thereof, providing for the registration, sale, approval of the bonds, regulating the purchase of bonds and the investment of the sinking funds; providing for the letting of contracts by the district; the use of public property, granting the power of eminent domain; declaring the floods of Harris County to be a public calamity, authorizing a remission of one-half of the State tax for ten years, and providing for the payment of that one-half to the flood control district for improvement and maintenance purposes, specifying the reports thereon to be made by the tax collector, authorizing the issuance of bonds secured by a pledge of the funds granted by the State; providing that if any provision of the Act shall be held invalid the other provisions shall not be affected, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Free Conference Committee on Senate Bill No. 137.

Senator Rawlings called up S. B. No. 137 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill before the Senate and the House amendments were read.

Senator Rawlings moved that the Senate do not concur in the House amendments and that a free conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the Presiding Officer announced the appointment of the following Free Conference Committee on the part of the Senate:

Senators Rawlings, Weinert, Brownlee, Small and Redditt.

**Senate Bill No. 138 on Second Reading.**

On motion of Senator Redditt and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 138, A bill to be entitled "An Act making appropriations for the support and maintenance of the executive and administrative departments and agencies of the State government for the two-year period beginning September 1, 1937, and ending August 31, 1939, and for other purposes; and declaring it unlawful for persons employed in the several departments to engage in political campaigns relating to election or reelection of any candidate or candidates for the head of such department and any public office and prescribing procedure for removal of such employees; and making it unlawful to use any State-owned automobile in connection with any campaign relating to any measures in which the particular department by which the employee is employed is directly interested and/or in behalf of the election or reelection of any person as the head of such department; and prescribing certain other regulations and restrictions in respect to the appropriations made herein, and declaring an emergency."

The Presiding Officer laid the bill before the Senate, and it was read second time.

Senator Moore offered the following amendment to the bill:

Amend S. B. No. 138, page 67, under "Appropriations for Secretary of State, Main Division," by striking out the words and figures:

"Assistant Secretary of State, \$3,600.00 \$3,600.00."

Senator Redditt moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—21.

Aikin  
Beck

Hill  
Isbell

Lemens  
Neal  
Nelson  
Newton  
Brownlee  
Burns  
Cotten  
Head  
Oneal

Pace  
Redditt  
Roberts  
Shivers  
Spears  
Stone  
Weinert  
Winfield

Nays—7.

Collie  
Holbrook  
Moore  
Rawlings

Sulak  
Van Zandt  
Westerfeld

Absent.

Small

Absent—Excused.

Davis

Woodruff

(Senator Collie in the Chair.)

Senator Moore offered the following amendment to the bill:

Amend S. B. No. 138, page 13, by inserting after item 75 the following:

"For the installation of two elevators in the Capitol Building, one in each wing of such building, for the year ending August 31, 1938, \$35,000.00.

Yeas and nays were demanded, and the amendment was adopted by the following vote:

Yeas—18.

Brownlee  
Burns  
Head  
Hill  
Moore  
Neal  
Nelson  
Newton  
Pace

Rawlings  
Shivers  
Small  
Spears  
Stone  
Sulak  
Van Zandt  
Westerfeld  
Winfield

Nays—10.

Aikin  
Beck  
Collie  
Cotten  
Holbrook

Isbell  
Lemens  
Oneal  
Redditt  
Roberts

Absent—Excused.

Davis  
Weinert

Woodruff

Senator Burns offered the following amendment to the bill:

Amend S. B. No. 138, page 57, by adding a new line to be numbered line 23-A, to read as follows:

"There is hereby appropriated the sum of ninety thousand (\$90,000.00) dollars for the purpose of building a hospital and dormitory on the Wynne State Prison Farm of fire-proof construction; and

"There is hereby appropriated the sum of fifty-eight thousand (\$58,000.00) dollars, or so much thereof as may be necessary, for the purpose of building an industrial unit and enlarging the warehouse at the penitentiary at Hunsville. Both of these appropriation are available for the year 1938."

BURNS,  
HOLBROOK.

Senator Roberts moved to table the amendment.

(President in the Chair.)

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—13.

Aikin	Oneal
Beck	Pace
Cotten	Redditt
Hill	Roberts
Isbell	Stone
Lemens	Winfield
Neal	

Nays—14.

Brownlee	Rawlings
Burns	Shivers
Collie	Small
Head	Spears
Holbrook	Sulak
Nelson	Van Zandt
Newton	Westerfeld

Absent.

Moore

Absent—Excused.

Davis	Woodruff
Weinert	

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—13.

Brownlee	Holbrook
Burns	Pace
Collie	Rawlings
Head	Shivers

Small  
Spears  
Sulak

Van Zandt  
Westerfeld

Nays—10.

Aikin	Oneal
Beck	Redditt
Cotten	Roberts
Hill	Stone
Lemens	Winfield

Present—Not Voting.

Isbell

Absent.

Moore	Nelson
Neal	Newton

Absent—Excused.

Davis	Woodruff
Weinert	

Question—Shall S. B. No. 138 be passed to engrossment?

Conference Committee on House Bill No. 397.

On motion of Senator Shivers, the request of the House for a free conference committee to adjust the differences between the two Houses on H. B. No. 397 was granted.

The following conferees were appointed on the part of the Senate:

Senators Nelson, Small, Rawlings, Moore and Shivers.

Report of Conference Committee on Senate Bill No. 261.

Senator Rawlings moved that the report of the Free Conference Committee on S. B. No. 261 be adopted (the report heretofore having been submitted and printed in the Journal).

The motion prevailed by the following vote:

Yeas—28.

Aikin	Neal
Beck	Nelson
Brownlee	Newton
Burns	Oneal
Collie	Pace
Cotten	Rawlings
Head	Redditt
Hill	Roberts
Holbrook	Shivers
Isbell	Small
Lemens	Spears
Moore	Stone

Sulak                      Westerfeld  
Van Zandt               Winfield

Absent—Excused.

Davis                      Woodruff  
Weinert

**Senate Bill No. 12 With House Amendments.**

Senator Rawlings called up S. B. No. 12 from the President's table, for consideration of the House amendments to the bill.

The President laid the bill before the Senate, and the House amendments were read.

Senator Rawlings moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—28.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Head	Shivers
Hill	Small
Holbrook	Spears
Isbell	Stone
Lemens	Sulak
Moore	Van Zandt
Neal	Westerfeld
Nelson	Winfield

Absent—Excused.

Davis                      Woodruff  
Weinert

**House Bills and Joint Resolutions on First Reading.**

The following bills, received from the House today, were laid before the Senate, read first time and referred to the committees indicated:

H. B. No. 24, to Committee on Agricultural Affairs.

H. B. No. 7, to Committee on State Affairs.

H. B. No. 1096, to Committee on Educational Affairs.

H. B. No. 710, to Committee on Civil Jurisprudence.

H. B. No. 650, to Committee on Towns and City Corporations.

H. B. No. 113, to Committee on Stock and Stock Raising.

H. B. No. 793, to Committee on Stock and Stock Raising.

H. B. No. 912, to Committee on Educational Affairs.

H. B. No. 1125, to Committee on Finance.

H. B. No. 1078, to Committee on Counties and County Boundaries.

H. B. No. 1091, to Committee on Educational Affairs.

H. B. No. 1080, to Committee on Game and Fish.

H. B. No. 1071, to Committee on Counties and County Boundaries.

H. B. No. 1068, to Committee on Educational Affairs.

H. B. No. 1064, to Committee on Towns and City Corporations.

H. B. No. 1052, to Committee on Civil Jurisprudence.

H. B. No. 1041, to Committee on Educational Affairs.

H. B. No. 1035, to Committee on Game and Fish.

H. B. No. 1034, to Committee on Public Lands and Land Office.

H. B. No. 1002, to Committee on Counties and County Boundaries.

H. B. No. 993, to Committee on Criminal Jurisprudence.

H. B. No. 970, to Committee on Counties and County Boundaries.

H. B. No. 774, to Committee on State Affairs.

H. B. No. 761, to Committee on Educational Affairs.

H. B. No. 711, to Committee on Stock and Stock Raising.

H. B. No. 686, to Committee on Interstate Cooperation.

H. B. No. 668, to Committee on Finance.

H. B. No. 637, to Committee on Military Affairs.

H. B. No. 529, to Committee on Educational Affairs.

H. B. No. 392, to Committee on Towns and City Corporations.

H. B. No. 389, to Committee on Commerce and Manufactures.

H. B. No. 196, to Committee on Stock and Stock Raising.

H. B. No. 68, to Committee on Criminal Jurisprudence.

H. J. R. No. 10, to Committee on Constitutional Amendments.

H. J. R. No. 26, to Committee on Constitutional Amendments.

**House Concurrent Resolution Referred.**

H. C. R. No. 33, received from the House today, was laid before the Senate, read and referred to the Committee on Educational Affairs.

**House Bill No. 770 Recommended.**

Senator Small, by unanimous consent, moved, at this time, to recommit H. B. No. 770 to the Committee on Civil Jurisprudence.

The motion prevailed.

**House Bill No. 1125 on Second Reading.**

Senator Redditt, by unanimous consent, moved to suspend the constitutional rule requiring bills to be read on three several days and that H. B. No. 1125 be placed on its second reading and passage to third reading.

The motion prevailed by the following vote:

Yeas—28.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Head	Shivers
Hill	Small
Holbrook	Spears
Isbell	Stone
Lemens	Sulak
Moore	Van Zandt
Neal	Westerfeld
Nelson	Winfield

Absent—Excused.

Davis	Woodruff
Weinert	

The President then laid the bill before the Senate on its second reading and passage to third reading.

On motion of Senator Redditt and by unanimous consent, Senate Rules Nos. 31a and 48 were suspended severally, to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

**House Bill No. 1125 on Third Reading.**

Senator Redditt moved to suspend the constitutional rule requiring bills to be read on three several days and that H. B. No. 1125 be placed on its third reading and final passage.

The motion prevailed by the following vote.

Yeas—28.

Aikin	Brownlee
Beck	Burns

Collie	Pace
Cotten	Rawlings
Head	Redditt
Hill	Roberts
Holbrook	Shivers
Isbell	Small
Lemens	Spears
Moore	Stone
Neal	Sulak
Nelson	Van Zandt
Newton	Westerfeld
Oneal	Winfield

Absent—Excused.

Davis	Woodruff
Weinert	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Head	Shivers
Hill	Small
Holbrook	Spears
Isbell	Stone
Lemens	Sulak
Moore	Van Zandt
Neal	Westerfeld
Nelson	Winfield

Absent—Excused.

Davis	Woodruff
Weinert	

**Bills and Resolutions Signed.**

The President signed in the presence of the Senate, after giving due notice thereof, the following bills and resolutions:

H. B. No. 611, "An Act to authorize the State Highway Department, in conjunction with the Bureau of Public Roads, to expend, from and after July 1, 1937, upon roads not a part of the system of State highways, funds appropriated for expenditure on such roads under the Hayden-Cartwright Act, passed by the Seventy-fourth Congress, June 16, 1936, (H. R. 11687); to permit such funds to be matched or supplemented from the State Highway Fund; expressly repealing all laws or parts of



laws in conflict herewith to the extent of such conflict, but said laws are not otherwise repealed, and declaring an emergency."

H. B. No. 985, "An Act providing for the extension of the Rio Grande Compact, authorizing the Texas member of the present Rio Grande Compact committee and his successor in office, to act as commissioner and to negotiate with the commissioners representing the States of Colorado and New Mexico for a new or permanent compact, subject to ratification by the Legislature, and authorizing such commissioner to administer the provisions of such compact, providing for his compensation, and declaring an emergency."

H. B. No. 205, "An Act to amend Article 2815a, Acts 1927, Fortieth Legislature, page 124, Chapter 82, as amended by Chapter 26, Regular Session, Forty-fourth Legislature; Article 2815b, Acts 1927, Fortieth Legislature, page 124, Chapter 82; Article 2815c, Acts 1927, Fortieth Legislature, page 124, Chapter 82; Article 2815d, Acts 1927, Fortieth Legislature, page 124, Chapter 82; Article 2815e, Acts 1927, Fortieth Legislature, page 124, Chapter 82; Article 2815f, Acts 1927, Fortieth Legislature, page 124, Chapter 82; Article 2815g, Acts 1927, Fortieth Legislature, page 124, Chapter 82, and Article 2815g-1, Acts, 1931, Forty-second Legislature, page 812, Chapter 334, by adding thereto another Article to be known as Article 2815g-1a to be applicable to all counties in this State with a population of more than two hundred and ninety thousand (290,000) and less than three hundred and twenty thousand (320,000), according to the last Federal Census; providing that the members of the county board of school trustees of such counties shall receive five dollars (\$5) per day for their services in attending meetings, inspecting schools and performing all other duties provided by law; etc."

H. B. No. 566, "An Act declaring it unlawful for any person to sell, take or have in his possession for the purpose of barter or sale any wild fox or the pelt thereof in Cass County; declaring it unlawful for any person to catch any fur bearing animal in Cass County with a steel trap, dead fall, or any other mechan-

ical device; providing that this Act shall not include moles, gophers and salamanders as fur bearing animals and providing that this Act shall not apply to the taking of fur bearing animals with dogs; providing a penalty for the violation of this Act; repealing all laws and parts of laws in conflict; providing that this Act shall be in force for a period of five years, and declaring an emergency."

H. B. No. 1009, "An Act to authorize the Board of Directors of the Agricultural and Mechanical College of Texas to establish and maintain a horticultural and agricultural experiment station at some point within the limits of the El Paso irrigated valley in the State of Texas for the purpose of making scientific investigations and experiments in the production of cotton, alfalfa, and farm crops, etc., and declaring an emergency."

H. B. No. 67, "An Act amending Chapter 277, Acts of Regular Session of the Forty-second Legislature as heretofore amended, being known as the 'Motor Carrier Act,' by providing that said Motor Carrier Act shall not include and said Act shall not apply to a 'Private Commercial Carrier,' declaring that a Private Commercial Carrier is not transporting property for compensation or hire within the meaning and contemplation of said Motor Carrier Act and shall not be governed by any of the provisions of said Act applicable to a 'Motor Carrier' or 'Contract Carrier'; etc., and declaring an emergency."

H. B. No. 115, "An Act to amend Article 1442, Chapter 10, Title 17, of the Penal Code of the State of Texas, 1925, by increasing the maximum penalty for the theft of sheep or goat from four years to ten years, and declaring an emergency."

H. B. No. 116, "An Act to amend Article 1441, Chapter 10, Title 17 of the Penal Code of the State of Texas, 1925, by increasing the maximum penalty for the theft of cattle or hog from four years to ten years, and declaring an emergency."

H. B. No. 615, "An Act making an emergency appropriation to pay court costs accrued in the case of State of Texas versus Atlantic Oil Producing Company, et al, No. 53453, etc., and declaring an emergency."

H. B. No. 404, "An Act granting to C. A. Gindratt and wife, their

heirs and assigns, permission to bring suit against the State of Texas and the State Highway Department in the District Court of Leon County, Texas, for damages alleged to have been sustained to certain real property of the said C. A. Gindratt and wife, by reason of the construction of State Highway No. 75; providing that such suit may be filed within two (2) years after the effective date of this Act; providing for the method of serving process and for procedure governing the trial and determination of such suit; making an appropriation, and declaring an emergency."

H. B. No. 1045, "An Act declaring it unlawful for any person to sell, take or have in his possession for barter or sale after the passage of this Act, for a period of five (5) years, any wild fox or the pelts thereof in the Counties of Hunt and Rains, State of Texas, and providing a penalty therefor, and declaring an emergency."

H. B. No. 936, "An Act to amend Article 6699, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

H. B. No. 661, "An Act declaring certain months closed to fishing in Jones and Shackelford Counties; providing means and methods of taking and possessing fish from the fresh waters of said counties; prohibiting the sale of fish taken from fresh waters of said counties; prescribing the bag limit that may be taken in any one day and declaring fish under certain sizes shall be returned to the water which they were taken; providing that any person who violates provisions of this Act to be guilty of a misdemeanor, fixing a penalty, and declaring an emergency."

H. C. R. No. 98, Authorizing the Enrolling Clerk to make certain changes in H. B. No. 566.

H. C. R. No. 99, Instructing the Enrolling Clerk to make certain corrections in H. B. No. 661.

H. C. R. No. 100, Instructing the State Highway Department to lend certain equipment to the City of Navasota and Grimes County.

S. C. R. No. 53, Authorizing the Christian Restoration Association to sue the State of Texas.

H. B. No. 99, "An Act providing for the purchasing, handling, sale and accounting of sales of citrus fruit

grown in the State of Texas, and declaring an emergency."

H. B. No. 511, "An Act providing for the execution of an agreement to extend the Interstate Compact to conserve oil and gas; prescribing the form of the agreement; prescribing procedure for withdrawal from the compact, and declaring an emergency."

S. B. No. 13, "An Act to exempt from taxation the property owned or used exclusively and reasonably necessary in conducting any association engaged in promoting threefold religious, educational and physical development of boys and girls, young men and young women operating under a state or national organization of life character, and all endowment funds of such institutions, and declaring an emergency."

S. B. No. 485, "An Act to amend Section 4, S. B. No. 28, Chapter 2, of the Acts of the Regular Session of the Forty-fourth Legislature, so as to extend the time of existence of the Special District Court of Rusk County, Texas; and declaring an emergency."

H. B. No. 1125, "An Act making an appropriation to pay mileage and per diem of the Forty-fifth Legislature, etc., and declaring an emergency."

#### Adjournment.

On motion of Senator Spears, the Senate, at 11:50 o'clock a. m., adjourned until 10:00 o'clock a. m. next Monday, April 26, 1937.

#### Record of Votes.

Senators Collie and Oneal asked to be recorded as voting "nay" on the motion to adjourn.

#### APPENDIX.

##### Bills Filed in Department of State.

Austin, Texas, April 22, 1937.

Hon. Bob Barker, Secretary of the Senate.

Dear Sir: I submit herewith a list of bills and resolutions passed by the Forty-fifth Legislature which were filed in this office Tuesday, April 20, 1937:

H. C. R. No. 79:

Vote in Senate, viva voce.

Vote in House, viva voce.  
Date signed by the Governor,  
unsigned.

Assuring you of my sincere pleasure in performing this service, I am  
Yours very truly,

EDWARD CLARK,  
Secretary of State.

By: M. E. SANDLIN,  
Assistant Secretary of State.

Austin, Texas, April 23, 1937.  
Hon. Bob Barker, Secretary of the  
Senate.

Dear Sir: I submit herewith a list of bills and resolutions passed by the Forty-fifth Legislature which were filed in this office Thursday, April 22, 1937:

S. B. No. 317:  
Vote in Senate, yeas 27, nays 0.  
Vote in House, yeas 110, nays 0.  
Date signed by the Governor,  
April 22, 1937.

H. B. No. 1004:  
Vote in Senate, yeas 30, nays 0.  
Vote in House, yeas 120, nays 0.  
Date signed by the Governor,  
April 20, 1937.

Assuring you of my sincere pleasure in performing this service, I am  
Yours very truly,

EDWARD CLARK,  
Secretary of State.

By: M. E. SANDLIN,  
Assistant Secretary of State.

#### Reports of Standing Committees.

Committee Room,  
Austin, Texas, April 22, 1937.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 991, A bill to be entitled "An Act to amend Title 32, Chapter 1, Article 1302, of the Revised Civil Statutes of 1925, by providing for the creation of corporations for the purpose of establishing, maintaining, operating, and engaging in the business of grading, constructing of terraces, and drainage structures, and all other forms of dirt construction work, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SMALL, Chairman,

Committee Room,  
Austin, Texas, April 22, 1937.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 823, A bill to be entitled "An Act to amend Section 1, of Chapter 473, page 1866, Second Called Session, Forty-fourth Legislature, by removing the population classification therefrom, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SMALL, Chairman,

Committee Room,  
Austin, Texas, April 22, 1937.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 665, A bill to be entitled "An Act amending Article 1970-314, Revised Civil Statutes of Texas, 1925, so as to give the County Court of Red River County, Texas, original concurrent jurisdiction with the district court of said county in certain criminal cases, and exclusive appellate jurisdiction of certain criminal cases appealed from justice courts, to conform the jurisdiction of the district court of such county to such change; repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

SMALL, Chairman,

Committee Room,  
Austin, Texas, April 22, 1937.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 480, A bill to be entitled "An Act to amend Article 7057b, Section 2, Revised Civil Statutes, H. B. No. 11, Act of the Regular Session, Forty-third Legislature, so as to clarify the kind of suits to be included in a class action as provided in Section 2 of said article, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to re-

port it back to the Senate with the recommendation that it do pass, and be printed.

SMALL, Chairman,

Committee Room.

Austin, Texas, April 22, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 938, A bill to be entitled "An Act amending Article 3605, to provide for the appointment of a guardian for a non compos mentis interested in an estate subject to division; providing for appointment of a guardian ad litem and/or attorney to represent non-residents and unknown parties having an interest in said property, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SMALL, Chairman,

Committee Room,

Austin, Texas, April 22, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 1008, A bill to be entitled "An Act amending Article 1302, Title 32, of the Revised Civil Statutes of Texas, of 1925, by adding another subdivision thereto authorizing private corporations to be created for the purpose of providing for the registration, preservation of the purity of blood, and improvement in the breeding of any species or class of livestock, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SMALL, Chairman,

Committee Room,

Austin, Texas, April 23, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Commerce and Manufactures, to whom was referred

H. B. No. 322, A bill to be entitled "An Act to restrain and prevent unfair, discriminatory, and deceptive merchandising practices in the State

of Texas; defining the terms 'persons,' 'price,' 'commerce,' 'service,' 'facilities,' 'customary cash discounts,' 'unfair, deceptive, and discriminatory methods,' 'cost,' 'cost of doing business,' 'overhead expenses,' 'ordinary channels,' and 'manner of trade,' and defining other terms; making it unlawful for any person engaged in commerce, in the course of such commerce, to discriminate in price between purchasers of commodities of like grade and quality and between different sections, communities, cities or portions thereof, or between localities in such sections, communities, or portions thereof in this State, where the effect of such discrimination may lessen competition or tend to create a monopoly, or to lessen, injure, destroy, prevent, hinder, or suppress competition with any person who grants or knowingly receives the benefits thereof; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with corrective committee amendments, and be printed.

ROBERTS, Chairman.

(1)

Amend H. B. No. 322, as engrossed, as follows:

Page 4, Section 1, Subdivision (b), by striking out the word "the," between the words "of" and "customary," in the last line of said subsection.

(2)

Amend H. B. No. 322, as engrossed, as follows:

Page 5, Section 1, Subdivision (b), by striking out the word "but," and substituting the word "and," and by striking out the word "of," and substituting the word "for," in line 7 of said subsection.

(3)

Amend H. B. No. 322, as engrossed, as follows:

Page 6, Section 2 (a), by striking out of line 8, on page 6, the words "or tends," and insert in lieu thereof the words "not or does not tend," and by striking out of line 11, page 6, the word "tends," and insert in lieu thereof the words "does not tend"; and by adding a comma (.)

after the syllable "dise," in line 20, page 6, Subdivision (b) of Section 2.

(4)

Amend H. B. No. 322, as engrossed, as follows:

Page 7, Section 3, paragraph 2, line 25, by striking out the word "uses," and insert in lieu thereof the word "usage," and by striking out the word "are," in line 27, page 7, Section 3, paragraph 2, and insert in lieu thereof the word "is."

(5)

Amend H. B. No. 322, as engrossed, as follows:

Page 8, Section 3, paragraph 2, line 4, by adding the word "of," between the words "cost" and "any"; by adding the word "tend," between the words "may" and "or," in line 18, section 4, on page 8, and by adding a comma (,) after the word "distribution," line 24, page 8, paragraph 2, Section 4.

(6)

Amend H. B. No. 322, as engrossed, as follows:

By striking out the comma (,), after the word "invested," in line 11, page 9, paragraph 3, of Section 4, and by striking out the words "spirit and or," line 27, page 9, Section 5.

(7)

Amend H. B. No. 322, as engrossed, as follows:

By striking out the word "rents," line 21, page 11, paragraph 2, of Section 7, and by striking out the words "listing contained," in line 23, page 11, paragraph 2, of Section 7, and insert in lieu thereof the words "exceptions enumerated."

(8)

Amend H. B. No. 322, as engrossed, as follows:

Page 12, by striking out all of Subdivision (b) of Section 8, and insert in lieu thereof the following: (b) In a bona fide sale of seasonal or perishable goods, articles, products or commodities to prevent loss to the vendor by spoilage or depreciation, when the failure to sell such goods, articles, products or commodities would result in actual financial loss to the vendor";

(9)

Amend H. B. No. 322, as engrossed, as follows:

Amend the caption to conform to the body of the bill.

Committee Room,

Austin, Texas, April 22, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. C. R. No. 81, Granting Cleo Fletcher the right to sue the State of Texas.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, April 22, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. C. R. No. 82, Authorizing Miss Loulie Gurley, a feme sole, Mrs. R. L. Stribling, a feme sole, and Davis Stribling, trustee of the estate of Mary G. McCulloch, deceased, to sue the State of Texas and the Highway Department of Texas.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, April 22, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. C. R. No. 80, Granting permission to Dr. C. C. Shotts to sue the State of Texas and the State Highway Department.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, April 22, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on

State Affairs, to whom was referred

H. B. No. 785, A bill to be entitled "An Act amending Section 10, Acts of 1935, Second Called Session of the Forty-fourth Legislature, page 1800, Chapter 467, H. B. No. 77, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Committee Room,

Austin, Texas, April 22, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 84, Instructing the State Affairs Committee of the House and the Senate, respectively, to appoint a committee each of three members to confer with the Land Commissioner, Executive Secretary of the Game, Fish and Oyster Commission, the President of the State Board of Education, the Attorney General, and the Governor of the State of Texas, to obtain the facts and information necessary to determine what the future policy of the State should be with reference to stopping or continuing its policy with reference to the leasing of lands in the southern part of Texas and particularly in the Texas Gulf Coast area.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Committee Room,

Austin, Texas, April 22, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 647, A bill to be entitled "An Act granting permission to Mrs. Cora Mills, Mrs. Elaine Kinsey and husband Loyd Kinsey, and Mrs. Marie Fouts and husband, Aubrey Fouts, to sue the State of Texas and/or Highway Department of the State of Texas."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, April 22, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 648, A bill to be entitled "An Act granting permission to W. M. Rousseau to sue the State of Texas and/or the Highway Department."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, April 23, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 486, A bill to be entitled "An Act amending S. B. No. 527 passed at the Regular Session of the Forty-third Legislature, 1933; providing for changing and prescribing times of holding court in the 84th Judicial District of Texas; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

NELSON, Chairman.

Committee Room,

Austin, Texas, April 23, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 975, A bill to be entitled "An Act making an emergency appropriation of Five Hundred and Two Thousand Seven Hundred and Forty-five Dollars and Two Cents (\$502,745.02) out of the General Revenue Fund of the State of Texas for certain State Departments, State Eleemosynary Institutions, and certain State Educational Institutions; designating the purpose for which said funds are to be used; providing that said funds are to be available, immediately, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that committee substitute in lieu therefor do pass, and be printed.

REDDITT, Chairman.

Committee Room,  
Austin, Texas, April 23, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 1125, A bill to be entitled "An Act making an appropriation of the sum of One Hundred Fifty Thousand (\$150,000.00) Dollars or so much thereof as may be necessary out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expenses, and to pay the mileage and per diem of members and the per diem of officers and employees of the Regular Session of the Forty-fifth Legislature, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

REDDITT, Chairman.

Committee Room,  
Austin, Texas, April 22, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

H. B. No. 1021, A bill to be entitled "An Act fixing and limiting expenses of candidates for Representative in the State Legislature in primary elections in counties of more than 300,000 inhabitants, according to the last preceding Federal Census; subject to all other provisions of Chapter 14, Title 50, of the Revised Civil Statutes of 1925; and repealing all laws in conflict with the provisions of this Act, but not otherwise."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BECK, Chairman.

Committee Room,  
Austin, Texas, April 23, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 13 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,  
Austin, Texas, April 23, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 53 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,  
Austin, Texas, April 23, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 485 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

#### SIXTY-FIFTH DAY.

(Monday, April 26, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tempore Pace.

The roll was called and the following Senators were present:

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

The following Senator was absent and excused:

Weinert

A quorum was announced present.  
The invocation was offered by the Chaplain.